IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 17615 of 2001

Between:

N.S.R.Murthy, S/o. Sri Ram Murthy
R/o. Naraspuram, W.G.District.

..... PETITIONER

AND

1 The A.P.S.R.T.C., Rep by its Regional Manager,
Eluru, W.G.District.
2 The A.P.S.T.C Rep by its Depot Manager,
Narsapuram Depot, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondents herein in not granting the selection grade Scale to the petitioner herein w.e.f. 18.1.1997 and issuing the proc.No.P3/813(1)/2001-RM-WG, Eluru, Dt.30.7.2001 is illegal, unjust and arbitrary, contrary to the seniority list published vide Proc.No.P3/753(1)/1997-RW-W.G.district Dt.11.4.1997 and as such set aside the same in the interest of justice consequently directing the respondents herein to fix the pay of the petitioner by duly adding selection Grade increments w.e.f. 16.1.1997 forthwith.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondents: MR.A.V.SIVAIAH

The Court made the following :

ORDER:

This writ petition is filed, seeking to declare the action of the respondents in not granting the Selection Grade Scale (stagnation of increment) to the petitioner with effect from 18.01.1997 and in issuing proceedings No.P3/813(1)/2001-RM-WG, Eluru, dated 30.07.2001 as illegal, unjust and arbitrary to the seniority list published vide Proceedings No. P3/752(1)/1997 –RM/W.G. Dated 11.04.1997, and consequently to direct the respondents to fix the pay of the petitioner by duly adding Selection Grade increments forthwith.

The petitioner was initially appointed on 16.01.1985 at Bhagyanagar Region as Conductor. Thereafter he was transferred from Bhagyanagar Region to West Godavari Region on 10.12.1986. Even after the completion of twelve years of service from the date of initial appointment, he was not given any stagnation increments and hence the present writ petition.

Learned Counsel for the petitioner contended that even though the petitioner completed 12 years of service from the date of his initial appointment in the respondent Corporation, he was not given 12 years stagnation increment as per Circulars issued by the respondent Corporation and hence prays to allow the writ petition.

On the other hand, the learned Counsel for the respondent Corporation contended that on the request made by the petitioner, he was transferred to West Godavari Region. Therefore, the service rendered by him at West Godavari region only, has to

be taken into consideration for the purpose of accounting the seniority.

The facts are not in dispute. Originally the petitioner was appointed as a Conductor in the Bhagyanagar Region of the respondent Corporation on 16.01.1985. No doubt, it is the case of the petitioner that he was transferred to West Godavari Region by the respondent Corporation. On the other hand the case of the respondent Corporation is that the petitioner was transferred to West Godavari Region at his own request. Even assuming for a moment that the petitioner was transferred from Bhagyanagar Region to West Godavari Region on his request, it does not mean that the services rendered by him in the Corporation at Bhatyanagar will be wiped out and cannot be taken into consideration. Therefore, the total service rendered by the petitioner in the respondent Corporation has to be taken into account for the purpose of determining his seniority. Therefore, the date of initial entry of the petitioner into the services of respondent Corporation is the date to be taken into consideration for the purpose of calculating his seniority. Therefore, the contention of the respondent Counsel is untenable and cannot be accepted. The petitioner is entitled for the sanction of stagnated increments.

Therefore, the writ petition is allowed, directing the respondent Corporation to sanction the stagnated increments due to be sanctioned to the petitioner, duly taking into consideration, the date of his initial entry into the service for the purpose of determining the seniority. No order as to costs.

13.07.2005

MRKR

To

1. The Regional Manager, A.P.S.R.T.C.,
   Eluru, W.G.District.
2. The Depot Manager, A.P.S.T.C,
   Narsapuram Depot, West Godavari District.

3. Two C.D.copies.